Supreme Court, U.S.
FILED
JAN 29 1996
CLERK

95-1224

No. 95-

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IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1995

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EDITH HOROWITZ BROIDA,

Petitioner,

v.

ALVIN EDWARD HOROWITZ, et al,

Respondents.

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Eleventh Circuit

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# PETITION FOR A WRIT OF CERTIORARI
# APPENDIX

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Edith Broida , J. D.
Pro Se
P. O. Box 5941
Washington, D. C.
20016
301-681-2050

# APPENDIX


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IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
No. 93-5022

Filed
Dec. 29,1995
Miguel J. Cortez
Clerk

EDITH HOROWITZ BROIDA,
Plaintiff/Appellant,
versus
Alvin Edward Horowitz,
a/k/a Alvin Alvyn,
Stephen Ronald Horowitz,
Paula Horowitz Roth, individually
and as assignee of Stephen
Ronald Horowitz,
Karen Horowitz Kaplan,
Betsy Horowitz Nieves.
Defendants/Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT
COURT OF THE SOUTHERN DISTRICT OF FLORIDA

ORDER:
Appellant's motion for an expedited ruling on the Petition for Rehearing is denied.

s/s J. L. Edmondson
UNITED STATES CIRCUIT JUDGE

Pet. Note: Above order entered seven weeks after Nov. 6 denial of rehearing. (Below)

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
No. 93-5022

Filed
Nov 06,1995
Miguel J. Cortez
Clerk

EDITH HOROWITZ BROIDA,
Plaintiff/Appellant,
versus
ALVIN EDWARD HOROWITZ,
a/k/a Alvin Alvyn,
STEPHEN RONALD HOROWITZ,
PAULA HOROWITZ ROTH, individually
and as assignee of Stephen
Ronald Horowitz,
Karen Horowitz Nieves.
Defendants/Appellees.

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On Appeal from the United States District Court for the Southern District of Florida

ON PETITION(S) FOR REHEARING
Before: Anderson, Edmundson, and Carnes
Circuit Judges.
PER CURIAM:
The petition(s) for rehearing filed by appellant Edith Horowitz Broida is denied.

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IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
No. 93-5022 Filed Nov.06,1995
EDITH HOROWITZ BROIDA,
versus Plaintiff/Appellant,
ALVIN EDWARD HOROWITZ, a/k/a
Alvin Alvyn,
STEPHEN RONALD HOROWITZ:
PAULA HOROWITZ ROTH, individually
and as assignee of Stephen Ronald
Horowitz;
KAREN HOROWITZ KAPLAN;
BETSY HOROWITZ NIEVES,
Defendants/Appellees.

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On Appeal from the United States District Court for the Southern District of Florida

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BEFORE: ANDERSON, EDMONDSON AND CARNES,
Circuit Judges.
BY THE COURT:
Appellant's motion for court to include timely filed letter of new evidence relating to domicile mailed May 22, 1195 is GRANTED
Appellant's new supplemental evidence to domicile construed as motion to supplement is DENIED
Appellant's motion for oral hearing on petition for rehearing is Denied.

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

NO. 93-5022
Non-Argument Calendar
D.C. Docket No. 92-0298-CIV- CCA

Filed
U.S. Court of Appeals
Eleventh Circuit
APR 27 1995
Miguel J. Cortez
CLERK

EDITH HOROWITZ BROIDA,
Plaintiff-Appellant,
versus
ALVIN EDWARD HOROWITZ, a/k/a
Alvin Alvyn;
STEPHEN RONALD HOROWITZ;
PAULA HOROWITZ ROTH, individually
and as assignee of Stephen
Ronald Horowitz;
KAREN HOROWITZ KAPLAN;
BETSY HOROWITZ NIEVES,
Defendants-Appellees.

Appeal from the United States District
Court for the Southern District of Florida
(April 27, 1995)
Before ANDERSON, EDMUNDSON and CARNES,
Circuit Judges.

PER CURIAM:

Edith Broida appeals the district court's dismissal of her pro se action for lack of subject matter jurisdiction. Because there was no diversity jurisdiction, we affirm. In addition we deny each of the appellant's motions.*

AFFIRMED.
Motion DENIED.

(1) Appellant's motion and renewed motion for oral argument;
(2) Appellant's motion to strike brief of appellees Betsy Nieves and Paula Roth;
(3) Appellant's motion to file separate briefs.

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 93-5022

FILED
US Circuit Court of Appeals
ELEVENTH CIRCUIT
APR 27,1995
Miguel J. Cortez
Clerk

EDITH HOROWITZ BROIDA,
Plaintiff-Appellant

versus

ALVIN EDWARD HOROWITZ, a/k/a Alvin Alvyn
STEPHEN RONALD HOROWITZ,
PAULA HOROWITZ ROTH, individually and
as assignee of Stephen Ronald Horowitz,
KAREN HOROWITZ KAPLAN,
BETSY HOROWITZ NIEVES,
Defendants-Appellees.

On Appeal from the United States District Court for the Southern District of Florida

ORDER:

Appellant's motion to refer her motion to strike Appellees' brief "to the panel that hears and reviews the appeal," construed as a motion to refer the motion to strike to the Screening Panel, is granted.

Appellant's motion to strike the brief filed by Appellees Roth and Nieves is denied.

s/s J. L. Edmondson
UNITED STATES CIRCUIT JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

EDITH HOROWITZ BROIDA and
AS EDITH BROIDA,
Plaintiff,
vs.
ALVIN EDWARD HOROWITZ, et al.,
Defendants.

Case No92-0298-CIV-ATKINS

Filed June 8 1993
T.G.Cheleotis
Clerk US Dist Ct.
SD of Fla-Miami

ORDER GRANTING MOTION TO DISMISS

THIS CAUSE is before the court on defendant Betsy Nieves' Motions to Dismiss (DE63) and(DE80)[1] and Magistrate Turnoff's recommendation that the motion to dismiss be granted (DE66). This court deferred ruling on Nieves' motion to dismiss the instant case pending resolution of the issue of domicile raised in various motions to dismiss filed in a related case, 92-997-CIV-ATKINS. Recently, the undersigned adopted Judge Bandstra's Report and Recommendation entered on May 20,1993 in 92-997-CIV-ATKINS, in which Judge Bandstra determined that plaintiff was a citizen of Florida at the time she filed that action and recommended that the action be dismissed for lack of diversity and federal question jurisdiction. Based upon this determination, it is

ORDERED AND ADJUDGED as follows:

(1) The Magistrate JUdge's Recommendation (DE66) that the Motion to Dismiss be granted is hereby ADOPTED and made the order of this court. Accordingly, Nieves' Motions to Dismiss(DE 63 and 80) are GRANTED: and

(2) This action is hereby dismissed

with prejudice based on this court's lack of diversity jurisdiction, as all parties are citizens of Florida.

It is further ORDERED AND ADJUDGED as follows:

(3) Plaintiff's Motion to Strike, filed on May 25, 1993 in conjunction with her response to the motion to dismiss is DENIED;

(4) Bernard Weksler's Motion to Withdraw as Counsel for One Defendant is GRANTED. Bernard Weksler shall be replaced by Alexander Martone as attorney for Paula Roth.

DONE AND ORDERED at Miami, Florida, this 5th day of June, 1993.

s/s Clyde Atkins
SENIOR UNITED STATES DISTRICT JUDGE

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Department of the Treasury
Internal Revenue Service
Philadelphia, Pa. 19255

In reply refer to:
28600646
Oct. 24, 1988
LTR 206C

EDITH H. BROIDA
P. O. BOX 390751
MIAMI Beach, Fl 33119

Form Number 1040
Tax Period:
Dec. 31, 1984

Dear Edith H. Broida:

Thank you for your inquiry of June 10, 1988 about your refund check. We share your concern and hope the matter will be cleared up soon. The check is being traced. We apologize for the delay. If check has not been cashed or destroyed, you will receive your refund within 90 days from the date of this letter. However if an unauthorized person has cashed the check, a time-consuming investigation may be necessary before a new one can be issued.

Petitioner's Note: Letter from Internal Revenue Service office which handles tax returns for District of Columbia where petitioner filed tax returns.

CENTERPOINT II
SUITE 500
4000 Legato Road
Fairfax, Virginia 22033-4003
Telephone (703) 385-4444
FOR MAIL ONLY
P.O. Box 900
Fairfax, Virginia 22030-0609

LIBERTY
MUTUAL

August 17, 1992

This is to certify that Liberty Mutual Insurance Company, Fairfax Virginia office has been issuing Homeowner's Insurance policies on the Washington, D. C. residence of Edith H. Broida every year from 1976 to and including 1992.

This Virginia office services the Greater Washington area.

In addition Mrs. Broida's automobile has been continuously insured by this office since before 1976.

Service Manager
Title

/S/ Sheila Mitchell

METROPOLITAN DADE COUNTY, FLORIDA
METRO-DADE (Logo)

(LOGO)
METRO DADE CENTER
OFFICE OF THE SUPERVISOR OF ELECTIONS
SUITE 1910
111 N.W. 1st Street
Miami, Florida 33128-1962
306-375-5563

Mailing Address:
P.O.Box 012241
Miami, Florida
33101-2241

September 11, 1992

To whom it may concern:

The Metro-Dade Elections Department has records showing that Edith E. Broida last registered to vote on March 27, 1950. Anytime an elector does not vote in a two year period a notice is sent out to keep the elector's registration records active.

No response was made to a notice sent to Ms Broida, therefore her record was purged in 1989.

The last time she voted was November 4, 1986.

Very truly yours,

/s/Milton L. Collins
Milton L. Collins
Assistant Supervisor of Elections

August Weintraub & Co.
Certified Public Accountant
April 10, 1967
Edith Broida
824 New Hampshire Avenue, N. W.
Washington, D. C.
Dear Edith:
Enclosed is a copy of the U. S. Individual Income Tax Return for your parents for 1966. Your father has suggested that we send this to you for review. This return must be filed by April 17, 1967, so please advise us before that date if it meets your approval.

Very truly yours,
s/s Leslie J. August
Certified Public Accountant

---

April 1, 1967

Mr. Morris Schneider
171 Lincoln Road
Miami Beach, Florida
Dear Mr. Schneider:

My parents have informed me that you called regarding a prospective buyer. Would you please send me the information regarding this.I'm afraid we cannot give you any further financial information than you now have and if the buyer is interested in this business from the truthful information which had already been provided you and from your own knowledge of the long and excellent reputation of this business on Lincoln Road then the next step is for him to come to Miami Beach and speak with the owners and their representatives. We could provide a very nice financial statement to lure them but that would not make the sale after all, would it. What they were buying is a long established and nationally known name and reputation, a location, and a good rental.

May I hear from you by return mail as to the nature of the inquiry and what action you have taken.?

Very truly yours,
s/s Edith Broida

Mrs. Edith Broida
825 New Hampshire Avenue, N. W.
Washington, D. C.

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Postmark - May 16, 1973 (Excerpts) Miami
Ann G. Horowitz
1931 Meridian Avenue
Miami Beach, Florida 33139

Tuesday, May 15, 1973

Dear Edith

Hope you are well. Received the change purse. I like it and also the beautiful card you sent. I may frame it.

I gave Alvin the shares.

I said to him I hope I'm not making a mistake, and I still say it. I wanted to give it to him, and as you always said give it now, if you can so that's what I did it was in his name and my name. When I bought it he was very young. But he's all for Marsha and his children. I still don't know if he feels for us,You, Dad, his mother, and Stacie.

I also gave him the balance of Valueline.

Love,
Mother

Envelope addressed: Mrs. Edith E. Broida
Washington, D. C.

---

WASHINGTON, D. C.
202-333-1356
August 22, 1972

Ms. Evelyn Lester
Patient Account Counselor
Mount Sinai Hospital
4300 Alton Road
Miami Beach, Florida 33140

Re: Maurice Horowitz
admission 317164

Dear Mrs. Lester:
Thank you for your letter of July 21st in reply to mine of July 3rd. You have sent a corrected bill with adjustments to the original. It appears now that the total hospital bill aside from separate fees of anaesthetist, radiologist, surgeon, physician, private nursing is $1706.90. To the original bill of $1662.40 an addition has been made of an unitemized $44.50.

Your charges are really shocking. Have you heard that hospitals are decreasing charges due to the outcry against them?

You have received payment from Medicare and Blue Cross of $1253.50 and from the patient of $355.50. He has also paid separately for the six shifts of private nursing.

Three years ago this patient, admitted to your hospital for the surgery performed this time, was placed in a semi-private room with a dying man. Because of the excitement surrounding this man day and night the patient suffered a heart attack, his first in his then 75 years. Instead of receiving the minor prostate correction he was scheduled for he was placed in intensive care for several days and then released. He suffered unnecessarily and the hospital profited from this useless stay.

This patient also develops lung congestion from too cold air-conditioning. For this reason when the prostate correction was scheduled again it was determined he would need a private room in order to survive the operation and the hospitalization.

The patient had a reservation at the hospital for three weeks prior to admittance:

1. Why was he admitted on Wednesday 3/15 at 1:00 P.M. to then wait until 8:00 the next morning before anything was done for him expending $80 for the privilege of walking the halls?

( Paragraphs 2 on group nursing charges, 3, and 4 on same, 5 on medication charges are deleted to eliminate length of this letter.)

Please supply me with the following:

1. Itemized list of special medical supplies - $45.00
2. Justification for charges of $96 for drugs given aside from intravenous and inhalation therapy.
3. Itemization of additional $44.50 added to original bill.
4. Charge of $49.50 for group care on 3/16 when patient was in testing and ambulatory all day.
5. Charge of $80 for admission one day before needed.

If there is justification then the patient will pay what is justified in addition to the $1608.50 you have already received for what is generally considered confinement for minor surgery.

Very truly yours,
s/s Edith Broida - Washington, D.C.

(Copy of Petitioner's Letter to her Mother, from Washington to M.B.)

Dear Mother, 7/30/74

Thank you, I received the $500. It helps a little but not much. In the past year I spent 8 months in Miami. During that time I still have to pay rent on my apartment $228 a month, telephone $10 a month, gas $200 a month-a total $240 a month-for 8 months that is $1920, which is already more than you pay rent on your house for a whole year. Your taxes are your rent. The three months I was there last time or any time I disrupt my own life completely. When I come back I have all kinds of problems because I haven't been home that then take me months to straighten out. Then there is the cost of the fare, tips, food each trip is at least $220 for that. What you gave me when I was there only barely covers some things- The cars I rent. Here I have my car in storage for which I pay $27 a month.

Then the strain on me there generally sends me to the doctor when I get back with something.

Last time on the trip back I got off the train with a flaming red right eye.

---

Ann Horowitz kept daughter Broida's letters to her with the envelopes.

SUPERINTENDENT OF SCHOOLS
FRANKLIN ADMINISTRATION BUILDING
13th and K Street N.W.
Washington, D. C.

Model School Division

March 19, 1965

Mrs. Edith E. Broida
824 New Hampsire Avenue, N. W.
Washington, D. C.

Dear Mrs. Broida:

A board order appointing you as Coordinator of the Summer Enrichment Program(Model School Division) was submitted to the Board of Education at the meeting held on March 17, 1965.

Before you can be placed on the payroll, it will be necessary for you to come in and sign certain papers. Please call me at Sterling 3-6111, extension 231,232 and let me know when you can come in to sign these papers.

Yours truly,

/S/ Doris P. Lee
Doris P. Lee
Administrative Aide
Model School Division

IN THE CIRCUIT COURT OF THE
11th JUDICIAL CIRCUIT IN AND
FOR DADE COUNTY, FLORIDA

PROBATE DIVISION
Case No. 78-1553
Division 02 (Judge Blanton)

Filed June 21, 1979
Clerk, Dade County
Probate Division

In re: ESTATE OF
MAURICE HOROWITZ,
Deceased.

AFFIDAVIT

State of Florida )
County of Dade ) SS:

BEFORE ME, the undersigned authority, a duly authorized Notary Public of the State of Florida, personally appeared affiants, who being duly sworn upon oath, make this Affidavit; they depose and state:

That they are Edith Horowitz Broida and Alvin Edward Horowitz respectively and are the only two children of decedent Maurice Horowitz (Moe) and his spouse Anne Gottlieb Horowitz deceased seven months prior to decedent herein, and they are both respondent-petitioners in the within cause.

That Edith Horowitz Broida is the older of the two children and has a long-term relationship with decedent herein and his spouse as their attorney, tax preparer, companion, and is attorney for the estate of his spouse also before this Court, and that she is the person most familiar with all the circumstances of both estates of both decedents giving her special knowledge of this cause.

That by agreement she represents all the respondent-petitioners being herself, the other adult child, and his four children who are grandchildren

of decedent and his spouse, as attorney in this case.

Said affiants for themselves and the other four respondent-petitioners claim that her represntation and her testimony are essential to their cause and they would suffer a substntial hardship were she to be precluded from serving as attorney and testifying as a party if and when necessary.

FURTHER Affiants Saith Not.

s/s Edith Horowitz Broida
EDITH HOROWITZ BROIDA

s/s Alvin Edward Horowitz
ALVIN EDWARD HOROWITZ

I hereby certify that on this day, the affiants above described executed the foregoing instrument before me, and acknowledged that they executed the same freely and voluntarily for the purpose therein stated. Witness my hand and official seal at Miami, Dade County, Florida , this 21st day of June, 1979.

s/s Belinda Erst
Notary Public, State of Florida

My Commission Expires Oct 10, 1987

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| | |
|---|---|
| IN RE: ESTATE OF Maurice HOROWITZ, DECEASED. | IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY, FLORIDA PROBATE DIVISION CASE NO. 78-1553 Div. 04 Newbold |

AFFIDAVIT

Filed 8/26/83 Clerk Probate Div.

State of Florida)
County of Dade ) SS:

There is no necessity for this Affidavit, however, in order to resolve any question, I, Paula Horowitz Roth, daughter and second issue of Alvin Edward Horowitz, thirty-six years of age, employed as an executive office manager, a resident of Dade

County, Florida, do hereby:

Reaffirm that Agreement dated April 3, 1978 and which is filed in this cause, into which I entered and consider binding upon me, my brother Stephen Ronald Horowitz, my sisters Karen H. Barnett, Betsy Jo Horowitz and my father Alvin Edward Horowitz, and my aunt Edith Horowitz Broida by which Agreement I am my brother and sisters assigned all our right, title and interest in the Estate of our grandfather Maurice Horowitz, equally to our father Alvin Edward Horowitz and Aunt Edith Horowitz Broida who are brother and sister and the only two children of our grandparents, in accordance with the terms of that Agreement, and further

I reaffirm the Waiver and Consent of 1978 and all other instruments which I signed on their behalf in this Estate.

Having sworn to this Affidavit before the undersigned authority, further I saith not.

Witnesseth:
s/s Jacqueline Uganiya
Address:
Faith C. Madison
Address

s/s Paula Horowitz Roth
Paula Horowitz Roth
7803 N.W. 22 Street
Miami, Fla.

On August 12, 1983 before me, the undersigned, a Notary Public in and for the State of Florida personally appeared before me Paula Horowitz Roth known to me to be the person whose name is subscribed to the within instrument and executed same before me. Witness my hand and official seal, this day.

S/s( Illegible)

My Commission Expires

Excerpts from 420 Southern Reporter, 2d, p 936, Fla, appeal of jury verdict in eminent domain trial on residence of decedent Maurice Horowitz. Appeal taken by Petitioner Broida.

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ESTATE OF MAURICE (MOE) HOROWITZ, et al, or Edith H. Broida and Alvin Edward Horowitz as Personal Representatives of Estate of Maurice (Moe) Horowitz, Deceased, Appellants.

v.

CITY OF MIAMI BEACH, A FLorida Municipal corporation, Appellee.

No. 81-1919

District Court of Appeal of Florida, Third District

Oct. 26, 1982

Edith Broida, Miami Beach, in pro per

Norman Malinski and Steven D. Ginsburg, Miami, for appellee.

Before BARKDULL, SCHWARTZ, and JORGENSON, JJ.

PER CURIAM.

In this condemnation case, the property owners contend it was error for the trial court to disqualify their primary real estate appraiser's expert testimony. We agree and reverse.

Florida's constitutional guaranty of full and just compensation in eminent domain actions requires that courts take into account all facts and circumstances which bear reasonable relationship to loss occasioned owner by virtue of his property being taken

---

UNIVERSITY OF MIAMI
P. O. Box 8087
Coral Gables, Florida
School of Law February 1, 1958

Dear Edith:

I consider it an honor to write a letter of recommendation in your behalf. I am proud of you as one of our former graduates.

Congratulations and Good Luck!

Cordially,

s/s FAW
Floyd A. Wright
Professor of Corporations Law, and
Author of the Corporate Code of the State of Oklahoma.

was (

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UNIVERSITY OF MIAMI
P. O. Box 8087
Coral Gables, Florida
School of Law February 1,1958

Dr. J. Riis Owre
Dean of the Graduate School
University of Miami
Coral Gables, Florida

Re: Edith E. Broida

Dear Dean Owre:

Edith Broida has advised me that she is making an application for enrollment in the Graduate School of the University to pursue studies leading to a Master's Degree in Law, and this letter is written in her behalf.

I am attaching a list of her educational accomplishments while studying here at the University, and the Latin expression "Res Ipsa Loqutuer" ( the thing speaks for itself) seems to be apropros in explaining her qualities. I'm also inclosing a page from the

June 1954, Lawyer of the School of Law magazine.

Edith took two advanced courses from me (Corporations and Corporate Procedure) and in those courses did superb work. She always impressed me as being a brilliantly intellectual, industrious scholar in every sense of the words. Her professional attitude always evidenced a pronounced quality of an analytical, legal mind, so essential in successfully handling intricate problems in law.

Reports which have reached me while she has been engaged in practice during the last four years since her admission to the Florida Bar have been very gratifying. I feel that Edith could qualify for graduate law study in the leading schools of the land. I recommend her as being well qualified in scholastic and every other ability to pursue work on an LL.M. in the Graduate School of the University of Miami.

Sincerely yours,
s/s Floyd A. Wright
Professor of Law

---

Petitioner's Note. The scholarship requested for graduate study was granted.

CONGRESS OF THE UNITED STATES
House of Representatives
Washington, D. C.

August 3, 1965
(Recd Aug 5,1965)

Mr. Francis Gregory
Assistant Director for Manpower
Department of Labor
1730 M Street, N. W.
Washington, D. C.

Dear Mr. Gregory:

I understand from Paul Cronin in Lowell that the meeting between shoe manufacturers in the Lowell and Lawrence areas and representatives of the Labor Department went extremely well last week.

We are grateful to you for sending Mrs. Edith Broida-- she was an outstanding participant and a credit to the Labor Department.

With every good wish, I am
s/s F. Bradford Morse
Member of Congress

---

Pet's Note:
Rep. Morse became an Ambassador to the United Nations.

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STATE OF VERMONT
Department Of Administration
Montpelier

August 2, 1965

Mrs. Edith Broida, Manpower Administration specialist
United States Department of Labor
Office of Manpower, Automation and Training
1730 M Street, N. W. Room 400
Washington, D. C.

Dear Mrs. Broida:

It was a distinct pleasure to have had an opportunity to meet you last

week and discuss Vermont's application for a project on the state's aging population.

Your grasp of the problem in its broader aspects, as well as your competence as a federal official, were refreshing and encouraging.

The population pattern in Vermont, coupled with a restrictive tax base, comprises a difficult situation in providing all the assistance needed to the older and aging citizens of the state, not only assistance financially but in terms of devoting adequate time and efforts to their special employment and related problems.

All of us who participated in last week's discussion were pleased to find you sympathetic to the problem in all its various aspects and pleased you are handling the project application.

We look forward to your next trip to Vermont.

Sincerely,

s/s William F. Kearns, Jr

WFK/a

William F. Kearns, Jr.
Commissioner

EDITH HOROWITZ BROIDA, AND AS EDITH BROIDA,
Plaintiff,
vs.
Estate of Maurice Horowitz through Samuel S. Smith as personal representative, and other defendants.
Defendants.

United States District Court Southern District of Florida

Case no. 92-997 Atkins

**PLAINTIFF's MOTION FOR COURT TO PERMIT PLAINTIFF TO FILE WITH THE COURT EVIDENCE OF HER PHYSICAL ADDRESS IN WASHINGTON, D. C. UNDER CONFIDENTIAL SEAL FOR THE COURT'S INFORMATION ALONE IN SUPPORT OF DIVERSITY EVIDENCE**

Plaintiff Edith Horowitz Broida makes this Motion that she be permitted to file with the Court under confidential seal her permanent address in Washington, D. C. and the length of time she has lived at that address and paid the cost of living at that address maintaining it for her return to Washingtion after the conclusion of the litigation which has kept her in Miami since 1977.

At hearing on April 6th, yesterday Plaintiff explained to the Court that she has not divulged the address because all the defendants are not just adversaries, but'enemies' of hers and she needs to protect her safety.

The insurance company that has been insuring her residence in Washington D. C. since 1976 has presented a statement to that effect. Their office is in adjacent Northern Virginia. They have also stated that they insure her car ( since her major residence is in Washington, D. C. Plaintiff has also filed with the Court the information that she registers her car in Florida since she uses it mainly in Florida, due to the necessity for her to be here because Florida charges $395 for all out-of-state cars used in Florida every year, and when in

1978 plaintiff bought a car in Florida and paid sales tax, upon registering it in Washington she had to again pay an excise tax for having brought it into Washington. She then registered her car in Florida when that State passed the law requiring payment of $100 fee for cars with out-of-state licenses used in Florida, now increased.

Wherefore, if the issue concerning this Court is the physical address of the home of plaintiff as evidence of her domicile in Washington, D. C. plaintiff will provide that information solely to Magistrate Bandstra as confidential sealed evidence not to be viewed by any of his staff or anyone else.
Attachment: Miami Herald article on new law increasing fee on out-of-state cars.

s/s Edith Broida

---

May 27, 1987

P. O. Box 390751
Miami Beach, Fla.

D. C. Department of Transportation
Bureau of Motor Vehicles Services
East Administration Building
301 C Street N. W.
Washington, D. C. 20001

Dear Department:
I have registered the title of my car in Florida because they require it when a car is driven there.

I have not changed my title from District of Columbia.

If they have stupidly sent you my title that you just sent me do not cancel my registration of title in District of Columbia.

If I change anything I will remove it from Florida, if there is a problem.

I'd like you to send me a Title that shows when that car was titled in D. C. and it was in 1978 around August or September. The title you sent has a new date. Send me a duplicate of the original. Thank you.

Edith E. Broida

AFFIDAVIT OF MARTHA NEHAM EDELSTEIN

STATE OF FLORIDA)
COUNTY OF DADE ) SS:

Before me the undersigned authority, duly qualified as a notary public in the State of Florida, personally appeared Martha Neham Edelstein, to me known, and upon oath, duly sworn, deposes and says:

1.My name is Martha Neham Edelstein

2. I am a resident of Dade County, Florida

3.I have known Edith Horowitz Broida since 1938. We both attended the University of Miami and majored in the School of Education.

3. We have been friends continuously since then.

4. My parents were residents of Miami Beach since the early 20's.

5. I knew the parents of Edith and was in their home many times,and also in their store. I knew Edith's husband and her daughter Stacie. I have also seen her grandson Thomas Blaine.

6. Edith resided with her parents at 1931 Meridian Avenue, Miami Beach.

7. After the death of her father and she and her brother Alvin were contesting the Will prepared by attorney Harold Shapiro which was dated about a month before her father's death I stated to Edith: " I wondered if you knew that your father has been senile for a number of years."

8. I testified at the trial on the Will contest against that Last Will, called by Edith and her brother Alvin, that their father had definitely lacked his former mental

faculties and would not have had testamentary capacity to make a Will in the last five years of his life.

9. I know that Edith moved to WAshington, D.C. in January 1963. My sister lived in Maryland outside Washington. I was in Maryland to visit my sister. My sister and I both visited Edith where she lived in Washington, D. C.

10. Edith distinctly stated that she was moving to Washington to work for the federal government to try to plan programs to improve the educational system.

11. Edith has returned from Washington many times for the needs of her parents and daughter.

12. In 1967 and 1968 I saw her in the store of her parents working there and managing it because of business difficulties. She said she is there temporarily hoping to return to Washington as soon as the problems are resolved.

13. I saw her in 1971 when her grandson was born and she came down for the birth. Again she came down for her father's health, who was hospitalized with a heart attack.Again she came for a lawsuit against her parent's home by the City of Miami Beach, and came again for that lawsuit.

14. Her mother died in 1977 while she was here. Edith had a multitude of family problems. She had to take charge of her mother's 85 year old sister whose husband had died and took care of problems of that husband, his burial and his financial affairs as well.

15. Her father died in February 1978 and she has said that because of the two estates she has had to be here continuously except for quick trips back to her home in Washington.

16. Edith has always made it clear to me that she prefers to live in Washington, that she loves that City, and enjoyed her work there. I have told her many times that she should have just returned to Washington, where she most wanted to be, after the deaths of her parents.

17. She has told me that in 1987 she changed her domicile, that is, her legal residence to Washington, D. C.

Further Affiant Saith Not.

/S/ Martha Neham Edelstein
E342-554-24-958

Subscribed and sworn to before me Witness my hand and seal this 14th day of September, 1992.

/s/Inna Sandler
Notary Public, State of Florida at Large

My Commission Expires: 4/96

Notary Public
State of Florida

Inna Sandler
My Commission
#CC194323
Expires: April 16,1996
Bonded Thru Notary Public Underwriters

AFFIDAVIT
OF PHYLLIS SHAMPANIER

Before me the undersigned authority, duly qualified as a notary public to take acknowledgements in the State of Florida, personally appeared Phyllis Shampanier, to me known, who upon oath, being duly sworn, deposes and says:

1. My name is Phyllis Shampanier, and my address is 8115 S.W. 17th Terrace, Miami, Florida.

2. I am an attorney at law practicing in Dade County since 1953 when I graduated from the University of Miami School of Law.

3. I have known Edith Broida since law school.

4. I know that Edith moved to Washington, D.C. She referred several clients of hers to me when she moved. Her daughter Stacie also used my services. She had an attorney listing at my office in Coral Gables which was discontinued when I moved into a large firm on Miami Beach.

5. Several times when Edith came back to visit from Washington I asked her why she doesn't come back and join me in practice, showing her space adjacent to mine which could be joined to mine. Her reply always was that she was happy in Washington and enjoyed the work she was doing in government agencies and did not want to return to Dade.

6. I do know that she had to have a protracted stay for her parent's business in the late sixties. And I know that she has been in Miami for a eminent domain case on her parents' property, and that they died in the late 70's and she has been involved

in their estate probates and litigation, which has become another protracted stay.

7. I believe that Edith's intention has always been since she moved to Washington to be there indefinitely and not be in Florida.

8. We have corresponded and I know that she has resided in Washington and still has a residence there as she has told me.

Further Affiant Saith Not.

/S/ Phyllis Shampanier
Phyllis Shampanier

Subscribed and sworn before me.
Witness my hand and seal this
12th day of April, 1993.

/S/ Karla Haspael
Notary Public, State of Florida
at Large
My Commission Expires:
Notary Public, State of Florida
My Commission Expires Aug 25, 1994
Bonded Thru Notary Public Underwriters

Law Offices
Tobias Simon

223 Southeast
First Street
Miami32, Fla.

March 23, 1964

Edith Broida
Attorney at Law
824 New Hampshire Ave, N. W.
Washington, D. C.

Dear Edith:

When I received your letter. I realized that we hadn' seen you for some time. This explained the general sense of disquiet I have been having.

Why did you move to Washington?--and are you married yet?

I suggest you drop the whole idea. If you want a tilt at windmills, we have many important ones to throw things at.

Sincerely,
s/s Tobias Simon
Tobias Simon

TS:ev

Attorney Toby Simon was well known as a civil rights attorney, active in the ACLU and in the Florida Bar. He was a friend of Petitioner and they had worked on some of the same political campaigns and other issues.